

FILED
MAR 24 PM 4:15
CLERK OF DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ROBERT EUGENE GERKIN,
Plaintiff,

vs.

MATTHEW C. KRAMER, WARDEN
Defendant.

CY 08 1602
CASE NO.

PRISONER'S
APPLICATION TO PROCEED
IN FORMA PAUPERIS

JF

(PR)

I, Robert E Gerkin, declare, under penalty of perjury that I am the plaintiff in the above entitled case and that the information I offer throughout this application is true and correct. I offer this application in support of my request to proceed without being required to prepay the full amount of fees, costs or give security. I state that because of my poverty I am unable to pay the costs of this action or give security, and that I believe that I am entitled to relief.

In support of this application, I provide the following information:

1. Are you presently employed? Yes No **

If your answer is "yes," state both your gross and net salary or wages per month, and give the name and address of your employer:

Gross: ** Net: **

Employer: **

 **

 **

1 If the answer is "no," state the date of last employment and the amount of the gross and net
 2 salary and wages per month which you received. (If you are imprisoned, specify the last
 3 place of employment prior to imprisonment.)

4 Feb. 17th, 1995. (Gross per Month \$5,825⁴⁷.) (Net per Month \$3,722³¹.)

5 2610 El Camino Real, Santa Clara, California ext. Meat Department

6
 7 2. Have you received, within the past twelve (12) months, any money from any of the
 8 following sources:

9 a. Business, Profession or Yes ___ No **

10 self employment

11 b. Income from stocks, bonds, Yes ___ No **

12 or royalties?

13 c. Rent payments? Yes ___ No **

14 d. Pensions, annuities, or Yes ___ No **

15 life insurance payments?

16 e. Federal or State welfare payments, Yes ___ No **

17 Social Security or other govern-

18 ment source?

19 If the answer is "yes" to any of the above, describe each source of money and state the amount
 20 received from each.

21 NONE

22 NONE

23 3. Are you married? Yes ** No ___

24 Spouse's Full Name: DEBORAH ALLEY GERKIN

25 Spouse's Place of Employment: UN/KNOWN

26 Spouse's Monthly Salary, Wages or Income:

27 Gross \$ UN/KNOWN Net \$ UN/KNOWN

28 4. a. List amount you contribute to your spouse's support: \$ NONE

1 b. List the persons other than your spouse who are dependent upon you for
 2 support and indicate how much you contribute toward their support. (NOTE:
 3 For minor children, list only their initials and ages. DO NOT INCLUDE
 4 THEIR NAMES.).

5 NONE

6 NONE

7 5. Do you own or are you buying a home? Yes No **

8 Estimated Market Value: \$ NONE Amount of Mortgage: \$ NONE

9 6. Do you own an automobile? Yes No **

10 Make NONE Year NONE Model NONE

11 Is it financed? Yes No ** If so, Total due: \$ NONE

12 Monthly Payment: \$ NONE

13 7. Do you have a bank account? Yes No ** (Do not include account numbers.)

14 Name(s) and address(es) of bank: NONE

15 NONE

16 Present balance(s): \$ NONE

17 Do you own any cash? Yes No ** Amount: \$ NONE

18 Do you have any other assets? (If "yes," provide a description of each asset and its estimated
 19 market value.) Yes No **

20 NONE

21 8. What are your monthly expenses?

22 Rent: \$ NONE Utilities: NONE

23 Food: \$ NONE Clothing: NONE

24 Charge Accounts:

25 Name of Account Monthly Payment Total Owed on This Acct.

26 NONE \$ NONE \$ NONE

27 NONE \$ NONE \$ NONE

28 NONE \$ NONE \$ NONE

1 9. Do you have any other debts? (List current obligations, indicating amounts and to
2 whom they are payable. Do not include account numbers.)

3 NONE

4 NONE

5 10. Does the complaint which you are seeking to file raise claims that have been presented
6 in other lawsuits? Yes No **

7 Please list the case name(s) and number(s) of the prior lawsuit(s), and the name of the court in
8 which they were filed.

9 NONE

10 NONE

11 I consent to prison officials withdrawing from my trust account and paying to the court
12 the initial partial filing fee and all installment payments required by the court.

13 I declare under the penalty of perjury that the foregoing is true and correct and
14 understand that a false statement herein may result in the dismissal of my claims.

15
16 MARCH 20TH, 2008

17 DATE

Robert E Gerkin

18 SIGNATURE OF APPLICANT
19
20
21
22
23
24
25
26
27
28

Case Number: _____

CERTIFICATE OF FUNDS

IN

PRISONER'S ACCOUNT

I certify that hereto is a true correct copy of the prisoner's trust account statement showing transactions of Robert E Gerkin, for the last six months at Folsom State Prison where he is confined

I further certify that the average deposits each month to this prisoner's account for the most recent 6-month period were \$45.84 and the average balance in the prisoner's account each month for the most recent 6-month period was \$ 62.50

Dated: 1/2/08

Garen A. Davis

[Authorized officer of the institution]

CALIFORNIA DEPARTMENT OF CORRECTIONS
CALIFORNIA STATE PRISON FOLSOM
INMATE TRUST ACCOUNTING SYSTEM
INMATE TRUST ACCOUNT STATEMENT

FOR THE PERIOD: OCT 01, 2007 THRU JAN 11, 2008

ACCOUNT NUMBER : J79986 DETAIL NUMBER: B5BAT200000034U
ACCOUNT NAME : GERKIN, ROBERT EUGENE ACCOUNT TYPE: I
PRIVILEGE GROUP: A

TRUST ACCOUNT ACTIVITY

DATE	TRAN CODE	DESCRIPTION	COMMENT	CHECK NUM	DEPOSITS	WITHDRAWALS	BALANCE
10/01/2007		BEGINNING BALANCE					77.96
10/17	W502	POSTAGE CHARG	701208 L			4.60	73.36
10/22	*FC01	DRAW-FAC 1	701990			60.00	13.36
11/07	W502	POSTAGE CHARG	702358 L			0.10	13.26
11/19	FC01	DRAW-FAC 1	702565			13.26	0.00

CURRENT HOLDS IN EFFECT

DATE PLACED	HOLD CODE	DESCRIPTION	COMMENT	HOLD AMOUNT
12/28/2007	H118	LEGAL COPIES HOLD	703250 L	1.00
01/10/2008	H109	LEGAL POSTAGE HOLD	703478 L	5.05

TRUST ACCOUNT SUMMARY

BEGINNING BALANCE	TOTAL DEPOSITS	TOTAL WITHDRAWALS	CURRENT BALANCE	HOLDS BALANCE	TRANSACTIONS TO BE POSTED
77.96	0.00	77.96	0.00	6.05	0.00
					CURRENT AVAILABLE BALANCE
					6.05-

Robert E Gerkin J-79986
Folsom State Prison
Post Office Box 950
Folsom, California 95763

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
450 Golden Gate Ave.
San Francisco, CA 94102-3483

DECLARATION OF ROBERT E GERKIN IN SUPPORT OF APPLICATION
FOR WAIVER OF COURT FEES

I, Robert E Gerkin, am the Plaintiff herein and I Hereby Swear and Declare to the following:

1. I am an unrepresented state prisoner acting Pro-per and I cannot afford to hire counsel to represent the presiding cause of action
2. Ive been incarcerated for the past thirteen yrs. I Gross, Net or Earn No Income, Payroll or Salary. Periodically my family will send me money for necessities I have no contról as to when or how much.

Currently my Inmate Trust Account has a zero balance. I am asking the previous application for waiver of court fees and cost be waived at this time

RESPECTFULLY, SUBMITTED

VERIFICATION

I, the undersign, say: I am the Plaintiff in this action. I declare under penalty or perjury, under the law's of our State of California that the foregoing in true and correct under penalty of perjury

EXECUTED: Under penalty of perjury at Sacramento, California on this 20th, Day on March, 2008

Robert E Gerkin

Dated: 3/20/2008

ROBERT E GERKIN
Pro-per

PROOF OF SERVICE BY MAIL

I ROBERT EUGENE GERKIN, AM A RESIDENT OF FOLSOM STATE PRISON IN THE COUNTY OF SACRAMENTO, STATE OF CALIFORNIA. I AM OVER THE AGE OF 18 YEARS, AND I AM /AM NOT A PARTY TO THIS ACTION.

MY PRISON NUMBER IS: J-79986

MY PRISON ADDRESS IS; P.O. BOX 950, Folsom, Ca. 95763

ON MARCH 20TH, 2008, I SERVED A COPY OF THE FOLLOWING DOCUMENT:

PETITION/MOTION: 60-B FOR RELIEF FROM JUDGEMENT UNDER FRC.P. (b)

AND APPLICATION TO PROCEED INFORMA PAUPERIS

ON THE FOLLOWING PARTIES BY PLACING THE DOCUMENTS IN A SEALED ENVELOPE WITH POSTAGE FULLY PAID, IN THE UNITED STATES MAIL, IN A DEPOSIT BOX SO PROVIDED AT FOLSOM STATE PRISON (MAILBOX RULE), FOLSOM, CALIFORNIA, ADDRESSED AS FOLLOWS:

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
450 Golden Gate Ave.
San Francisco, CA 94102-3483

ATTORNEY GENERAL'S OFFICE
455 Golden Gate Avenue
Suite 11000
San Francisco, CA 94102

THERE IS DELIVERY SERVICE BY THE UNITED STATES MAIL AT THE PLACE SO ADDRESSED, AND/OR THERE IS REGULAR COMMUNICATION BY MAIL BETWEEN THE PLACE OF MAILING AND THE PLACE SO ADDRESSED.

I DECLARE UNDER THE PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

EXECUTED MARCH 20TH, 2008, AT FOLSOM, CALIFORNIA..

Robert E Gerkin
<signature here >